

HAZARDOUS AND RADIOLOGICAL MATERIALS

**The below regulatory summaries were referenced from the U.S. Northern Review publications and Fedcenter.gov.

FEDERAL

PROPOSED:

SW 846 UPDATE: LEACHING ENVIRONMENTAL ASSESSMENT FRAMEWORK. EPA's ORCR [released](#) SW-846 Update VI, Phase III for public comment. The update contains four tests (EPA Methods 1313, 1314, 1315, and 1316), known as the Leaching Environmental Assessment Framework (LEAF) tests, and technical implementation guidance ([LEAF How-To Guide](#)) that evaluate how waste constituent leaching changes with different environmental conditions. The LEAF tests are intended to be more accurate than other leaching tests by assessing constituent leaching potential under actual or plausible disposal conditions. The SW-846 test methods and technical implementation guidance method will be published for final posting on the [EPA Hazardous Waste Test Methods web page](#) rather than through the Federal Register.

OTHER:

SW-846 UPDATE: LEAD IN SOIL. EPA's Office of Resource Conservation and Recovery (ORCR) [announced](#) the completion of SW-846 Update VI, Phase I, which incorporates final [Method 1340](#)—In Vitro Bioaccessibility Assay for Lead in Soil—into the SW-846 compendium. Method 1340 defines a procedure to analyze for bioavailable lead in soil under 50,000 milligrams per kilogram (mg/kg) in concentration. At this time, the method has only been validated for lead-contaminated soil under field conditions, and not for other matrices (e.g., water, air, amended soils, dust, food). This method uses a leaching procedure in a rotary extractor to extract lead from soil at a known temperature and time of exposure. For more information, click [here](#).

 MARYLAND DEPARTMENT OF TRANSPORTATION™

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STATE

FINAL:

[HB 504](#) PROHIBITION ON SALE OF CERTAIN PRODUCTS THAT CONTAIN MERCURY. [HB 504](#) (Public Act: 809) prohibits a “marketer,” beginning 1 OCT 18, from knowingly selling or providing to a consumer electric switches, electric relays, and gas valve switches that contain mercury. The bill does not apply to an electric switch, an electric relay, or a gas valve switch that is a component of a larger product that was in use on or before 1 OCT 18, if certain conditions are met. The bill establishes specific exemptions, and civil and administrative penalties for violations of the bill’s provisions. A notice of the bill’s House passage was published in the April 2017 Northern Review. The bill was signed by the governor on 27 MAY 17 and it becomes effective on 1 OCT 17.

AMENDMENTS TO RADIATION PROTECTION REGULATIONS. The Maryland Department of the Environment (MDE) has [adopted](#) amendments to Regulation .01 under COMAR 26.12.01, Radiation Protection. The amendments incorporate Supplement 28, to include: (1) five mandatory U.S. Nuclear Regulatory Commission regulations that include clarifications to radioactive material physical protection reporting requirements, requirements for shipments of category 1 quantities of radioactive material, harmonization of transportation safety requirements with International Atomic Energy Agency requirements, and miscellaneous corrections; (2) clarification of meaning of “annual”; (3) change in frequency of required radiation survey instrument calibration and radiographer audit; (4) clarification of the definition of “individual monitoring device”; (5) requirement for shutter checks for radioactive material specific license sealed sources; and (6) miscellaneous corrections. A notice of the proposed amendments was published in the October 2016 Northern Review. The amendments became effective on 24 NOV 16.

AMENDMENTS TO DISPOSAL OF CONTROLLED HAZARDOUS SUBSTANCES REGULATION The Maryland Department of the Environment (MDE) has [adopted amendments](#) to the disposal of controlled hazardous substances regulations. The amendments incorporate various provisions that have been promulgated by USEPA, including rules concerning electronic recycling, dredged material, “delisted” hazardous waste, and universal waste. The proposed amendments update: (1) [COMAR 26.13.01](#) - Hazardous Waste Management System: General; (2) [COMAR 26.13.02](#) - Identification and Listing of Hazardous Waste; and (3) [COMAR 26.13.10](#) - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities. The amendments became effective on 18 JAN 2016.

PROPOSED:

HB 66 PROHIBITION ON LEAD AND MERCURY WHEEL WEIGHTS. [HB 66](#) prohibits certain persons from using, allowing to be used, or selling certain lead or mercury wheel weights after certain dates. The bill also: (1) requires the state to ensure that no vehicle in the state fleet is equipped with certain lead or mercury wheel weights after a certain date; (2) requires removed and collected lead and mercury wheel weights to be properly recycled; and (3) establishes enforcement requirements. The bill was referred to the Environment and Transportation Committee.

HB 121 REPEAL OF CERTAIN HAZARDOUS MATERIAL SECURITY REGULATIONS. [HB 121](#) repeals multiple requirements within the state hazardous material security regulations. The bill includes the repeal of: (1) requirement to deposit certain fees collected by the Maryland Department of the Environment (MDE) into a certain account within the Community Right-To-Know Fund; (2) requirement that certain persons analyze the security of specific facilities; (3) requirement that a certain analysis be submitted to MDE; and (4) certain fee exemptions for counties and municipalities. The bill was referred to the Environment and Transportation Committee.

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HB 504 PROHIBITION ON SALE OF CERTAIN PRODUCTS THAT CONTAIN MERCURY. [HB 504](#) prohibits a “marketer,” beginning 1 OCT 18, from knowingly selling or providing to a consumer electric switches, electric relays, and gas valve switches that contain mercury. The bill establishes specific exemptions, and civil and administrative penalties for violations of the bill’s provisions. The bill passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee.

FEDERAL

FINAL:

ELECTRONIC FILING OF HAZARDOUS WASTE EXPORTS. Starting on 31 DEC 17, all U.S. exporters of manifested hazardous waste, universal waste, spent lead-acid batteries for recycling or disposal, and all exporters of cathode ray tubes for recycling will be required to file EPA information in the [Automated Export System](#), for each export shipment. Paper processes will no longer be allowed on or after the compliance date. For more information, click [here](#).

USE OF DOT SPECIFICATION 39 CYLINDERS FOR LIQUEFIED FLAMMABLE COMPRESSED GAS Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a revised safety advisory notice ([82 FR 18967](#)) to address concerns of offerors and users of DOT Specification 39 (DOT-39) cylinders that exceed 75 cubic inches (in³) (1.23 L) and to provide clarification of the initial safety advisory notice issued on this subject on 13 December 2016 (Notice No. 2016-14). DOT-39 cylinders exceeding 75 in³ (1.23 L) should not contain liquefied flammable compressed cyclopropane, ethane, or ethylene, or liquefied petroleum gases. PHMSA advises against the filling or transporting of these gases in DOT-39 cylinders when the cylinder's internal volume exceeds 75 in³ (1.23 L).

HAZARDOUS MATERIALS: HARMONIZATION WITH INTERNATIONAL STANDARDS PHMSA issued a final rule ([82 FR 15796](#)) to amend the Hazardous Materials Regulations (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. This rule became effective 30 March 2017, except for instruction 22, which is effective 2 January 2019.

PROTECTIVE ACTION GUIDES AND PLANNING GUIDANCE FOR RADIOLOGICAL INCIDENTS. USEPA, in coordination with a multi-agency working group within the Federal Radiological Preparedness Coordinating Committee, made final updates to the 1992 Manual of Protective Action Guides and Protective Actions for Nuclear Incidents, referred to as “The 1992 PAG Manual” (EPA 400-R-92-001, May 1992). The manual is available [here](#).

HAZARDOUS WASTE EXPORT-IMPORT. USEPA issued a final rule amending rules governing the import and export of hazardous wastes to and from the United States ([81 FR 85696](#)). The final rule became effective on 31 DEC 16.

HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE. USEPA issued a final rule adopting revisions to the Resource Conservation and Recovery Act (RCRA) hazardous waste generator regulatory program ([81 FR 85732](#)). The final rule becomes effective on 30 MAY 17.

RETAIL SECTOR HAZARDOUS WASTE. USEPA released its [strategy](#) for addressing hazardous waste generated by retail activities. The retail strategy complements USEPA’s August 2016 [conceptual framework](#) for the flow of consumer goods and wastes in the retail sector. For more information, click [here](#).

HAZARDOUS WASTE IN RETAIL SECTOR. USEPA held a webinar 10 NOV 16 describing its [retail strategy](#) to address

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agency concerns with regulating hazardous waste generated by retail sector activities and issues related to reverse distribution, common in the retail sector. A recording of the webinar is available from USEPA's [archived seminars and podcasts website](#), or by clicking [here](#).

HAZARDOUS WASTE COMPLIANCE DOCKET. USEPA published the 30th update to the Federal Agency Hazardous Waste Compliance Docket ([81 FR 73096](#)). The revisions in this update include 13 additions, 28 corrections, and 21 deletions since the previous update in March 2016.

AIR TRANSPORT PROHIBITION ON SAMSUNG GALAXY NOTE 7. The Federal Aviation Administration (FAA) issued Emergency Restriction/Prohibition Order FAA-2016-9288 for Samsung Galaxy Note 7 users and air carriers ([81 FR 71983](#)). The order was effective on 15 OCT 16.

FINAL AUTHORIZATION OF STATE HAZARDOUS WASTE MANAGEMENT PROGRAM REVISIONS. USEPA has issued a direct final rule granting final authorization of revisions to the state of Maryland's hazardous waste program under the Resource Conservation and Recovery Act (RCRA) ([81 FR 59503](#)). The revisions correspond to certain federal rules promulgated between 14 JAN 85 and 5 AUG 05. Barring adverse comment the direct final rule becomes effective on 31 OCT 16.

EPCRA REPORTING: MINOR CORRECTIONS USEPA has issued a final rule that amends existing hazard categories for hazardous chemical inventory form reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 and for list reporting under section 311 ([81 FR 38104](#)). The amendments align USEPA requirements with recent changes to the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS). In addition, USEPA released a minor correction to its 13 JUN 16 final rule amendment ([81 FR 47311](#)). The June amendment inadvertently omitted the hazard "serious eye damage or eye irritation" in Section 370.66 under the definition of "health hazard." The compliance date for the amendments and correction is 1 JAN 18.

EPCRA REPORTING USEPA issued a final rule amending the existing hazard categories for hazardous chemical inventory form reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 and for list reporting under section 311 ([81 FR 38104](#)). The final rule became effective on 13 JUN 16.

HAZMAT TRANSPORTATION The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule adopting a suite of amendments to the Hazardous Material Regulation ([81 FR 35483](#)). The final rule became effective on 5 JUL 16.

LITHIUM ION BATTERY SAFETY ADVISORY The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety advisory notice to inform persons engaged in the transport of lithium batteries in commerce of recent actions taken by the International Civil Aviation Organization (ICAO) to enhance the safe transport of lithium batteries by air ([81 FR 20443](#)). The ICAO amended the 2015-2016 edition of the [Technical Instructions for the Safe Transport of Dangerous Goods by Air](#).

REVERSE LOGISTICS FOR HAZARDOUS MATERIALS The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule applicable to reverse logistics shipments of certain hazardous materials by highway transportation ([81 FR 18527](#)). The final rule became effective on 31 MAR 16.

SAFE TRANSPORTATION OF BULK EXPLOSIVES The U.S. Department of Transportation issued a final rule amending the Hazardous Materials Regulations ([80 FR 79423](#)). The final rule became effective on 20 JAN 2016.

HAZARDOUS SECONDARY MATERIALS RECYCLING The USEPA finalized new safeguards that promote responsible hazardous secondary materials recycling. The [final rule](#) modifies the USEPA's 2008 Definition of Solid Waste rule to

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ensure it protects human health and the environment from the mismanagement of hazardous secondary materials intended for recycling, while promoting sustainability through the encouragement of safe and environmentally responsible recycling of such materials. Docket: EPA-HQ-RCRA-2010-0742.

PROPOSED:

TRANSPORT OF DANGEROUS GOODS. The Pipeline and Hazardous Materials Safety Administration has requested comment on issues being considered during the 51st and 52nd sessions of the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods ([82 FR 34745](#)).

CWA HAZARDOUS SUBSTANCES AND SPILL IMPACTS – SURVEY. EPA is planning to submit the new information collection request “Survey on Clean Water Act Hazardous Substances and Spill Impacts” ([82 FR 44178](#)). EPA agreed to a settlement requiring the agency to issue a proposed regulatory action, no later than June 2018, to address spill prevention measures for hazardous substances, in addition to the current spill prevention, control and countermeasures regulations addressing oil.

EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS. In response to petitions, EPA has indicated that it will reconsider substantive provisions of the final rule regulating coal combustion residuals (CCR) as nonhazardous waste under subtitle D of RCRA. EPA is not committing to changing any part of the rule, or agreeing with the merits of the petitions; it is simply granting petitions to reconsider specific provisions. Additional information can be found [here](#).

HAZARDOUS MATERIALS AIR TRANSPORTATION. In consultation with the Federal Aviation Administration, the U.S. Department of Transportation (DOT) has proposed to amend the Hazardous Materials Regulations to align with current international standards for the air transportation of hazardous materials ([81 FR 87510](#)).

HAZARDOUS MATERIALS REGULATION. The Pipeline and Hazardous Materials Safety Administration (PHMSA) has proposed aligning the Hazardous Materials Regulation (HMR) with international standards ([81 FR 61471](#)). Proposed amendments include changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements.

SAFE TRANSPORT OF RADIOACTIVE MATERIAL. PHMSA issued a draft revision of the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Material (SSR-6), which is scheduled for publication in 2018 ([81 FR 62972](#)). The redline-strikeout version of the draft document is available [here](#).

SPENT NUCLEAR MATERIAL. The Nuclear Regulatory Commission (NRC) released the draft regulatory guide DG-5051, Shipping, Receiving, and Internal Transfer of Special Nuclear Material, for public comment ([81 FR 64955](#)). The guide consolidates NRC guidance concerning the material control and accounting requirements pertaining to shipments, receipts, and internal transfers of special nuclear material.

HAZARDOUS MATERIALS: HARMONIZATION WITH INTERNATIONAL STANDARDS PHMSA proposes to amend the Hazardous Materials Regulations (HMR) to maintain consistency with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements ([81 FR 61741](#)).

HAZARDOUS WASTE E-MANIFEST FEES AND AMENDMENTS USEPA proposed a user fee methodology to establish fees for use of the electronic hazardous waste manifest (e-Manifest) system ([81 FR 49071](#)). The proposed rule would affect commercial transportation, storage, and disposal facilities (TSDFs) that receive hazardous and state-

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only regulated wastes from off-site for management at their permitted or interim status facilities. Under the proposed rule, these commercial TSDFs would be the focal point for the payment and collection of the user fees. The fees are intended to recover costs incurred by USEPA to develop and operate the new e-Manifest system.

HAZARDOUS MATERIALS REGULATION , PHMSA issued a proposed rule amending the Hazardous Materials Regulation by updating, clarifying, or providing relief from miscellaneous regulatory requirements. ([81 FR 42609](#)).

OTHER

TOXIC RELEASE INVENTORY USEPA has released the [Preliminary 2015 Toxics Release Inventory \(TRI\) dataset](#), which contains the most current data on toxic chemical releases and pollution prevention activities at U.S. industrial facilities. USEPA will update the dataset several times during the summer and early fall based on information from facilities. The TRI program releases the dataset each July to find TRI data for facilities in local communities prior to the publication of the TRI National Analysis report in January.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM AND ADVISORY BOARD USEPA [announced](#) the membership of its Hazardous Waste Electronic Manifest Advisory Board. The board will advise and provide guidance on the development and use of an electronic system for tracking hazardous waste shipments throughout the U.S. USEPA intends to deploy the e-manifest system in the spring of 2018.